



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
NATIONAL PHOTO GROUP, LLC, :
:
Plaintiff, :
:
- against - :
:
BIGSTAR ENTERTAINMENT, INC., :
:
Defendant. :
:
----- X

13-CV-5467 (VSB) (JLC)

ORDER

Appearances:

Craig B. Sanders
Sanders Law, PLLC
Garden City, New York
Counsel for Plaintiff

Jonathan J. Arzt
Lieben, Whitted, Houghton, Slowiaczek & Cavanagh, P.C., L.L.
Counsel for Plaintiff

VERNON S. BRODERICK, United States District Judge:

Plaintiff National Photo Group, LLC (“NPG”) has brought suit alleging that Defendant Bigstar Entertainment, Inc. (“Bigstar”) infringed NPG’s copyright by reproducing a celebrity photograph without receiving authorization or paying a licensing fee. Bigstar failed to answer or otherwise appear in this action. Accordingly, Judge Jed S. Rakoff, to whom this matter was originally assigned,¹ entered a default judgment against Bigstar pursuant to Federal Rule of Civil Procedure 55(a). (Doc. 17.) Judge Rakoff referred a damages inquest to Magistrate Judge James L. Cott. (Doc. 18.) Before me is Judge Cott’s April 11, 2014 Report and Recommendation,

¹ The matter was reassigned to me on January 29, 2014.

(Doc. 27), which recommends that NPG be awarded \$9,000 in statutory damages, \$5,500 in attorney's fees, and \$520 in costs.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Nelson v. Smith*, 618 F.Supp. 1186, 1189 (S.D.N.Y.1985).

Here, although the Report and Recommendation provided that "the parties shall have fourteen (14) days from the service of this Report to file written objections," (Report and Recommendation at 11), neither party has filed an objection. Accordingly, I have reviewed Judge Cott's Report and Recommendation for clear error and, after careful review of the record, find none. I therefore adopt the Report and Recommendation in its entirety.

The Clerk's Office is respectfully directed to enter judgment in favor of Plaintiff in the amount of \$15,020, and to close this case.

SO ORDERED.

Dated: October 8, 2014

New York, New York


Vernon S. Broderick
United States District Judge